IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Criminal Revision No. 497 of 2001
(Old No. 393/1993)

1. Gopal Singh
2. Belam Singh
3. Raghubir Singh
   All S/o later Sri Inder Singh ……..Revisionist.

Vs.

State and other ……Respondents.

Hon'ble J. C. S. Rawat, J.

None appeared for the revisionist No.1 & 2 despite service. The report of the CJM concerned reveals that the revisionist No.3-Raghubir Singh has died. The revisionist no.1 & 2 are not appearing before the court inspite of service. Heard Sri H. S. Rawal i/b for Sri Rajendra Kotiyal learned counsel for the respondent No.1.

The revision-petition has been preferred against the judgment and order dated 30.12.1992 passed by the then Sub-Divisional Magistrate (SDM), Dehradun in Criminal Case No.2/1991-92 whereby the SDM has restrained the revisionists from interfering with the possession of the opposite party till the revisionists obtained declaration of their rights in respect of the land in question from the competent court.

I have gone through the judgment of the learned trial court. It has been asserted by both the parties that they are in possession over the land in question within two months prior to the preliminary order. The learned S.D.M. was justified in holding that the revisionists should first get the declaration of rights from the competent court and there is no illegality in the said judgment and the Magistrate concerned has passed the order within his jurisdiction and as such the revision has no force. In view of this, the revision is hereby dismissed.

(J. C. S. Rawat, J.)

Dated :- 14.09.2004
LSR